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10 *Electronic Components, Inc. and Toshiba*
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11

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**
14

15 IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION
16

Case No. 3:07-md-1827-SI
MDL No. 1827

17 This Document Relates to:

18 Case No. 09-cv-05840-SI

19 MOTOROLA, INC.,
20

21 v.

22 AU OPTRONICS CORPORATION, *et al.*
23
24
25
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27
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**TOSHIBA MOBILE DISPLAY CO.,
LTD.'S ANSWER TO MOTOROLA,
INC.'S SECOND AMENDED
COMPLAINT**

1 Defendant Toshiba Mobile Display Co., Ltd. ("TMD"), by its undersigned attorneys, for
2 its Answer to Motorola, Inc.'s ("Plaintiff") Second Amended Complaint (the "Complaint"),
3 dated July 23, 2010, states as follows:

4 **I. INTRODUCTION**

5 1. Paragraph 1 consists of Plaintiff's characterization of its claims and Plaintiff's
6 explanation of a defined term used in its Complaint, to which no response is required. To the
7 extent that the allegations contained in Paragraph 1 relate to other Defendants and/or third
8 parties to this action, TMD lacks knowledge or information sufficient to form a belief as to the
9 truth of these allegations and, therefore, denies these allegations. To the extent that the
10 allegations contained in Paragraph 1 are directed to TMD, TMD denies these allegations.

11 2. Paragraph 2 consists of Plaintiff's characterization of its claims and Plaintiff's
12 explanation of a defined term used in its Complaint, to which no response is required. To the
13 extent that the allegations contained in Paragraph 2 relate to other Defendants and/or third
14 parties, TMD lacks knowledge or information sufficient to form a belief as to the truth of these
15 allegations and, therefore, denies these allegations. To the extent that the allegations contained
16 in Paragraph 2 are directed to TMD, TMD denies these allegations.

17 3. Paragraph 3 consists of Plaintiff's characterization of its claims and legal
18 conclusions, to which no response is required. To the extent that the allegations contained in
19 Paragraph 3 relate to other Defendants and/or third parties, TMD lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 3 are directed to
22 TMD, TMD denies these allegations.

23 4. Paragraph 4 consists of Plaintiff's characterization of its claims and legal
24 conclusions, to which no response is required. To the extent that the allegations contained in
25 Paragraph 4 relate to other Defendants and/or third parties, TMD lacks knowledge or
26 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
27 these allegations. To the extent that the allegations contained in Paragraph 4 are directed to
28 TMD, TMD denies these allegations.

1 5. Paragraph 5 consists of Plaintiff's characterization of its claims and legal
2 conclusions, to which no response is required. To the extent that the allegations contained in
3 Paragraph 5 relate to other Defendants and/or third parties, TMD lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 5 are directed to
6 TMD, TMD denies these allegations.

7 6. Paragraph 6 consists of Plaintiff's characterization of its claims and legal
8 conclusions, to which no response is required. To the extent that the allegations contained in
9 Paragraph 6 relate to other Defendants and/or third parties, TMD lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 6 are directed to
12 TMD, TMD denies these allegations.

13 7. Paragraph 7 consists of purported statements by government authorities and/or
14 statements in public documents, which speak for themselves and to which no response is
15 required. To the extent that the allegations contained in Paragraph 7 relate to other Defendants
16 and/or third parties, TMD lacks knowledge or information sufficient to form a belief as to the
17 truth of these allegations and, therefore, denies these allegations. To the extent that the
18 allegations contained in Paragraph 7 may be deemed to require a response from TMD, TMD
19 denies these allegations except admits that Chunghwa Picture Tubes, Ltd., Sharp Corporation,
20 Epson Imaging Devices Corporation, Chi Mei Optoelectronics Corporation, LG Display Co.
21 Ltd., LG Display America, Inc., and HannStar Display Corporation agreed to plead guilty and
22 pay criminal fines for their roles in several separate and distinct conspiracies to fix prices of
23 TFT-LCD panels.

24 8. Paragraph 8 consists of purported statements by government authorities and/or
25 statements in public documents, which speak for themselves and to which no response is
26 required. To the extent that the allegations contained in Paragraph 8 relate to other Defendants
27 and/or third parties, TMD lacks knowledge or information sufficient to form a belief as to the
28 truth of these allegations and, therefore, denies these allegations. To the extent that the

1 allegations contained in Paragraph 8 may be deemed to require a response from TMD, TMD
2 denies these allegations

3 9. Paragraph 9 consists of legal conclusions, to which no response is required. To the
4 extent that the allegations contained in Paragraph 9 may be deemed to require a response from
5 TMD, TMD denies these allegations, except admits that Plaintiffs have filed an action to obtain
6 certain relief and damages.

7 10. Paragraph 10 consists of legal conclusions, to which no response is required. To
8 the extent that the allegations contained in Paragraph 10 may be deemed to require a response
9 from TMD, TMD denies these allegations, except admits that Plaintiffs have filed an action to
10 obtain certain relief and damages.

11 **II. JURISDICTION AND VENUE**

12 11. Paragraph 11 contains legal conclusions, to which no response is required. To the
13 extent that the allegations contained in Paragraph 11 may be deemed to require a response from
14 TMD, TMD denies these allegations, except admits that Plaintiffs have filed an action to obtain
15 certain relief and damages.

16 12. Paragraph 12 consists of Plaintiff's characterization of its claims and legal
17 conclusions, to which no response is required. To the extent that the allegations contained in
18 Paragraph 12 relate to other Defendants and/or third parties to this action, TMD lacks
19 knowledge or information sufficient to form a belief as to the truth of these allegations and,
20 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 12
21 are directed to TMD, TMD denies these allegations.

22 13. Paragraph 13 consists of legal conclusions, to which no response is required. To
23 the extent that the allegations contained in Paragraph 13 may be deemed to require a response
24 from TMD, TMD denies these allegations.

25 14. Paragraph 14 consists of legal conclusions, to which no response is required. To
26 the extent that the allegations contained in Paragraph 14 may be deemed to require a response
27 from TMD, TMD denies these allegations.
28

1 15. Paragraph 15 consists of legal conclusions, to which no response is required. To
2 the extent that the allegations contained in Paragraph 15 may be deemed to require a response
3 from TMD, TMD denies these allegations.

4 16. Paragraph 16 consists of Plaintiff's characterization of its claims and legal
5 conclusions, to which no response is required. To the extent that the allegations contained in
6 Paragraph 16 relate to other Defendants and/or third parties to this action, TMD lacks
7 knowledge or information sufficient to form a belief as to the truth of the allegations and,
8 therefore, denies these allegations. Paragraph 16 also contains Plaintiff's explanation of a
9 defined term used in its Complaint, to which no response is required. TMD specifically objects
10 to Plaintiff's definition of "LCD Products," and the use of this term throughout the Complaint,
11 because this definition includes products at different levels of the production chain and creates
12 confusion. To the extent that the remainder of the allegations contained in Paragraph 16 may be
13 deemed to require a response from TMD, TMD denies these allegations.

14 17. Paragraph 17 consists of Plaintiff's characterization of its claims and legal
15 conclusions, to which no response is required. To the extent that the allegations contained in
16 Paragraph 17 relate to other Defendants and/or third parties, TMD lacks knowledge or
17 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
18 them. To the extent that the allegations contained in Paragraph 17 may be deemed to require a
19 response from TMD, TMD denies these allegations.

20 18. Paragraph 18 contains legal conclusions, to which no response is required. To the
21 extent that the allegations contained in Paragraph 18 relate to other Defendants and/or third
22 parties, TMD lacks knowledge or information sufficient to form a belief as to the truth of these
23 allegations and, therefore, denies these allegations. To the extent that the allegations contained
24 in Paragraph 18 are directed to TMD, TMD denies these allegations.

25 19. Paragraph 19 consists of Plaintiff's characterization of its claims and legal
26 conclusions, to which no response is required. To the extent that the allegations contained in
27 Paragraph 19 relate to other Defendants and/or third parties, TMD lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 19 are directed to
2 TMD, TMD denies these allegations.

3 **III. DEFINITIONS**

4 20. Paragraph 20 consists of Plaintiff's explanation of a defined term used in its
5 Complaint, to which no response is required. To the extent that the allegations contained in
6 Paragraph 20 may be deemed to require a response from TMD, TMD denies these allegations.

7 21. Paragraph 21 consists of Plaintiff's explanation of a defined term used in its
8 Complaint, to which no response is required. To the extent that the allegations contained in
9 Paragraph 21 may be deemed to require a response from TMD, TMD denies these allegations.

10 22. Paragraph 22 consists of Plaintiff's explanation of a defined term used in its
11 Complaint, to which no response is required. To the extent that the allegations contained in
12 Paragraph 22 may be deemed to require a response from TMD, TMD denies these allegations.

13 23. Paragraph 23 consists of Plaintiff's explanation of a defined term used in its
14 Complaint, to which no response is required. To the extent that the allegations contained in
15 Paragraph 23 may be deemed to require a response from TMD, TMD denies these allegations.

16 **IV. THE PARTIES**

17 **A. Motorola**

18 24. TMD lacks knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 24 and, therefore, denies these allegations.

20 25. TMD lacks knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 25 and, therefore, denies these allegations.

22 26. TMD lacks knowledge or information sufficient to form a belief as to the truth of
23 the allegations contained in Paragraph 26 and, therefore, denies these allegations.

24 27. TMD lacks knowledge or information sufficient to form a belief as to the truth of
25 the allegations contained in Paragraph 27 and, therefore, denies these allegations.

26 28. Paragraph 28 consists of Plaintiff's characterization of its claims and legal
27 conclusions, to which no response is required. To the extent that the allegations contained in
28 Paragraph 28 relate to other Defendants and/or third parties, TMD lacks knowledge or

1 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
2 these allegations. To the extent that the allegations contained in Paragraph 28 are directed to
3 TMD, TMD denies these allegations.

4 **B. Defendants**

5 **1. AU Optronics**

6 29. Paragraph 29 relates to another Defendant. Accordingly, TMD lacks knowledge
7 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
8 29 and, therefore, denies these allegations.

9 30. Paragraph 30 relates to another Defendant. Accordingly, TMD lacks knowledge
10 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
11 30 and, therefore, denies these allegations.

12 31. Paragraph 31 consists of Plaintiff's explanation of a defined term, a
13 characterization of its claims and legal conclusions, to which no response is required. Paragraph
14 31 also relates to other Defendants. Accordingly, TMD lacks knowledge or information
15 sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 and,
16 therefore, denies these allegations.

17 **2. Chi Mei**

18 32. Paragraph 32 relates to another Defendant. Accordingly, TMD lacks knowledge
19 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
20 32 and, therefore, denies these allegations.

21 33. Paragraph 33 relates to another Defendant. Accordingly, TMD lacks knowledge
22 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
23 33 and, therefore, denies these allegations.

24 34. Paragraph 34 relates to another Defendant. Accordingly, TMD lacks knowledge
25 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
26 34 and, therefore, denies these allegations.

1 35. Paragraph 35 relates to another Defendant. Accordingly, TMD lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 35 and, therefore, denies these allegations.

4 36. Paragraph 36 relates to another Defendant. Accordingly, TMD lacks knowledge
5 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
6 36 and, therefore, denies these allegations.

7 37. Paragraph 37 relates to another Defendant. Accordingly, TMD lacks knowledge
8 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
9 37 and, therefore, denies these allegations.

10 38. Paragraph 38 consists of Plaintiff's explanation of a defined term, a
11 characterization of its claims and legal conclusions, to which no response is required. Paragraph
12 38 also relates to other Defendants. Accordingly, TMD lacks knowledge or information
13 sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 and,
14 therefore, denies these allegations.

15 **3. Chunghwa**

16 39. Paragraph 39 relates to another Defendant. Accordingly, TMD lacks knowledge
17 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
18 39 and, therefore, denies these allegations.

19 40. Paragraph 40 relates to another Defendant. Accordingly, TMD lacks knowledge
20 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
21 40 and, therefore, denies these allegations.

22 41. Paragraph 41 consists of Plaintiff's explanation of a defined term, a
23 characterization of its claims and legal conclusions, to which no response is required. Paragraph
24 41 also relates to other Defendants. Accordingly, TMD lacks knowledge or information
25 sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 and,
26 therefore, denies these allegations.

1 **4. HannStar**

2 42. Paragraph 42 relates to another Defendant. Accordingly, TMD lacks knowledge
3 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
4 42 and, therefore, denies these allegations.

5 **5. LG Display**

6 43. Paragraph 43 relates to another Defendant. Accordingly, TMD lacks knowledge
7 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
8 43 and, therefore, denies these allegations.

9 44. Paragraph 44 relates to another Defendant. Accordingly, TMD lacks knowledge
10 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
11 44 and, therefore, denies these allegations.

12 45. Paragraph 45 consists of Plaintiff's explanation of a defined term, a
13 characterization of its claims and legal conclusions, to which no response is required. Paragraph
14 45 also relates to other Defendants. Accordingly, TMD lacks knowledge or information
15 sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 and,
16 therefore, denies these allegations.

17 **6. Samsung**

18 46. Paragraph 46 relates to another Defendant. Accordingly, TMD lacks knowledge
19 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
20 46 and, therefore, denies these allegations.

21 47. Paragraph 47 relates to another Defendant. Accordingly, TMD lacks knowledge
22 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
23 47 and, therefore, denies these allegations.

24 48. Paragraph 48 relates to another Defendant. Accordingly, TMD lacks knowledge
25 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
26 48 and, therefore, denies these allegations.

27 49. Paragraph 49 contains Plaintiff's explanation of a defined term, a characterization
28 of its claims and legal conclusions, to which no response is required. Paragraph 49 also relates

1 to other Defendants. Accordingly, TMD lacks knowledge or information sufficient to form a
2 belief as to the truth of the allegations contained in Paragraph 49 and, therefore, denies these
3 allegations.

4 **7. Sharp**

5 50. Paragraph 50 relates to another Defendant. Accordingly, TMD lacks knowledge
6 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
7 50 and, therefore, denies these allegations.

8 51. Paragraph 51 relates to another Defendant. Accordingly, TMD lacks knowledge
9 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
10 51 and, therefore, denies these allegations.

11 52. Paragraph 52 consists of Plaintiff's explanation of a defined term, a
12 characterization of its claims and legal conclusions, to which no response is required. Paragraph
13 52 also relates to other Defendants. Accordingly, TMD lacks knowledge or information
14 sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 and,
15 therefore, denies these allegations.

16 **8. Toshiba**

17 53. Paragraph 53 relates to another Defendant. Accordingly, TMD lacks knowledge
18 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
19 53 and, therefore, denies these allegations, except TMD admits that Toshiba Corporation is a
20 Japanese company with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku,
21 Tokyo 105-8001, Japan.

22 54. TMD denies the allegations contained in Paragraph 54, except admits that TMD's
23 principal place of business is located at 1-9-2, Hatara-cho, Fukaya-shi, Saitama, 366-0032,
24 Japan, and that TMD manufactured, sold, and/or distributed certain types of LCD panels during
25 2002-2006. TMD specifically denies that it manufactured, sold and/or distributed LCD panels
26 during the entire period between January 1, 1996 and December 11, 2006, as TMD did not exist
27 until 2002. TMD also denies that it manufactured, marketed, sold and/or distributed LCD panels
28

1 to customers throughout the United States, as TMD did not sell LCD panels directly to
2 customers in the United States.

3 55. Paragraph 55 relates to another Defendant. Accordingly, TMD lacks knowledge
4 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
5 55 and, therefore, denies these allegations, except admits that Toshiba America Electronic
6 Components, Inc. is located at 19900 MacArthur Boulevard, Suite 400, Irvine, California.

7 56. Paragraph 56 relates to another Defendant. Accordingly, TMD lacks knowledge
8 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
9 56 and, therefore, denies these allegations, except is generally aware that Toshiba America
10 Information Systems, Inc. is located at 9740 Irvine Boulevard, Irvine, California.

11 57. Paragraph 57 consists of Plaintiff's explanation of a defined term, a
12 characterization of its claims and legal conclusions, to which no response is required. To the
13 extent that the allegations in Paragraph 57 may be deemed to require a response from TMD,
14 TMD denies each and every allegation in Paragraph 57.

15 **9. Epson**

16 58. Paragraph 58 relates to another Defendant. Accordingly, TMD lacks knowledge
17 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
18 58 and, therefore, denies these allegations.

19 59. Paragraph 59 relates to another Defendant. Accordingly, TMD lacks knowledge
20 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
21 59 and, therefore, denies these allegations.

22 60. Paragraph 60 consists of Plaintiff's explanation of a defined term, a
23 characterization of its claims and legal conclusions, to which no response is required. Paragraph
24 60 also relates to other Defendants. Accordingly, TMD lacks knowledge or information
25 sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 and,
26 therefore, denies these allegations.

1 **C. Agents and Co-Conspirators**

2 61. To the extent that the allegations contained in Paragraph 61 relate to other
3 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
4 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
5 allegations contained in Paragraph 61 are directed to TMD, TMD denies these allegations.

6 62. To the extent that the allegations contained in Paragraph 62 relate to other
7 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
8 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
9 allegations contained in Paragraph 62 are directed to TMD, TMD denies these allegations.

10 63. Paragraph 63 relates to third parties to this action. Accordingly, TMD lacks
11 knowledge or information sufficient to form a belief as to the truth of the allegations contained
12 in Paragraph 63 and, therefore, denies these allegations.

13 **V. THE MARKET FOR LCD PANELS AND LCD PRODUCTS**

14 64. Paragraph 64 consists of legal conclusions, to which no response is required. To
15 the extent that the allegations contained in Paragraph 64 relate to other Defendants, TMD lacks
16 knowledge or information sufficient to form a belief as to the truth of these allegations and,
17 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 64
18 are directed to TMD, TMD denies these allegations.

19 65. Paragraph 65 consists of legal conclusions, to which no response is required. To
20 the extent that the allegations contained in Paragraph 65 relate to other Defendants, TMD lacks
21 knowledge or information sufficient to form a belief as to the truth of these allegations and,
22 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 65
23 are directed to TMD, TMD denies these allegations.

24 66. Paragraph 66 consists of legal conclusions, to which no response is required. To
25 the extent that the allegations contained in Paragraph 66 relate to other Defendants, TMD lacks
26 knowledge or information sufficient to form a belief as to the truth of these allegations and,
27 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 66
28 are directed to TMD, TMD denies these allegations.

1 67. To the extent that the allegations contained in Paragraph 67 relate to other
2 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
3 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
4 allegations contained in Paragraph 67 are directed to TMD, TMD denies these allegations,
5 except TMD is generally aware that LCDs are used in electronic products.

6 68. To the extent that the allegations contained in Paragraph 68 relate to other
7 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
8 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
9 allegations contained in Paragraph 68 are directed to TMD, TMD denies these allegations,
10 except TMD is generally aware of the basic structure of certain types of LCD panels.

11 69. TMD lacks knowledge or information sufficient to form a belief as to the truth of
12 the allegations contained in Paragraph 69 and, therefore, denies these allegations.

13 70. TMD lacks knowledge or information sufficient to form a belief as to the truth of
14 the allegations contained in Paragraph 70 and, therefore, denies these allegations.

15 71. To the extent that the allegations contained in Paragraph 71 relate to other
16 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
17 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
18 allegations contained in Paragraph 71 are directed to TMD, TMD denies these allegations.

19 72. To the extent that the allegations contained in Paragraph 72 relate to other
20 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
21 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
22 allegations contained in Paragraph 72 are directed to TMD, TMD denies these allegations.

23 **VI. DEFENDANTS ENGAGED IN PRICE FIXING OF LCD PANELS IN THE UNITED**
24 **STATES AND THEY PARTICIPATED IN PRICE FIXING MEETINGS OVERSEAS TO**
25 **INCREASE THE PRICE OF LCD PANELS SOLD IN THE UNITED STATES**

26 73. Paragraph 73 contains argument, Plaintiff's characterization of its claims and/or
27 legal conclusions, to which no response is required. To the extent that the allegations contained
28 in Paragraph 73 relate to other Defendants and/or third parties to this action, TMD lacks
knowledge or information sufficient to form a belief as to the truth of the allegations and,

1 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 73
2 are directed to TMD, TMD denies these allegations.

3 **A. Defendants Were Well Aware That LCD Panels Sold to Motorola Would Be Imported**
4 **And Sold In The United States.**

5 74. Paragraph 74 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations contained
7 in Paragraph 74 relate to other Defendants and/or third parties to this action, TMD lacks
8 knowledge or information sufficient to form a belief as to the truth of the allegations and,
9 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 74
10 are directed to TMD, TMD denies these allegations.

11 75. To the extent that the allegations contained in Paragraph 75 relate to other
12 Defendants and/or third parties to this action, TMD lacks knowledge or information sufficient to
13 form a belief as to the truth of the allegations and, therefore, denies these allegations. To the
14 extent that the allegations contained in Paragraph 75 are directed to TMD, TMD denies these
15 allegations.

16 76. To the extent that the allegations contained in Paragraph 76 relate to other
17 Defendants and/or third parties to this action, TMD lacks knowledge or information sufficient to
18 form a belief as to the truth of the allegations and, therefore, denies these allegations. To the
19 extent that the allegations contained in Paragraph 76 are directed to TMD, TMD denies these
20 allegations.

21 77. Paragraph 77 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations contained
23 in Paragraph 77 relate to other Defendants and/or third parties to this action, TMD lacks
24 knowledge or information sufficient to form a belief as to the truth of the allegations and,
25 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 77
26 are directed to TMD, TMD denies these allegations.

1 **B. Defendants Engaged In Bilateral And Multilateral Meetings And Communications**
2 **With Competitors To Inflate Prices Of LCD Panels And LCD Products.**

3 78. Paragraph 78 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations contained
5 in Paragraph 78 relate to other Defendants and/or third parties to this action, TMD lacks
6 knowledge or information sufficient to form a belief as to the truth of the allegations and,
7 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 78
8 are directed to TMD, TMD denies these allegations.

9 **1. Defendants Engaged In Illegal Communications About Pricing In The**
10 **United States.**

11 79. To the extent that the allegations contained in Paragraph 79 relate to other
12 Defendants and/or third parties to this action, TMD lacks knowledge or information sufficient to
13 form a belief as to the truth of the allegations and, therefore, denies these allegations. To the
14 extent that the allegations contained in Paragraph 79 are directed to TMD, TMD denies these
15 allegations.

16 80. To the extent that the allegations contained in Paragraph 80 relate to other
17 Defendants and/or third parties to this action, TMD lacks knowledge or information sufficient to
18 form a belief as to the truth of the allegations and, therefore, denies these allegations. To the
19 extent that the allegations contained in Paragraph 80 are directed to TMD, TMD denies these
20 allegations.

21 81. To the extent that the allegations contained in Paragraph 81 relate to other
22 Defendants and/or third parties to this action, TMD lacks knowledge or information sufficient to
23 form a belief as to the truth of the allegations and, therefore, denies these allegations. To the
24 extent that the allegations contained in Paragraph 81 are directed to TMD, TMD denies these
25 allegations.

26 82. To the extent that the allegations contained in Paragraph 82 relate to other
27 Defendants and/or third parties to this action, TMD lacks knowledge or information sufficient to
28 form a belief as to the truth of the allegations and, therefore, denies these allegations. To the

1 extent that the allegations contained in Paragraph 82 are directed to TMD, TMD denies these
2 allegations.

3 **2. Defendants Engaged in Illegal Communications About Pricing With Regard**
4 **To Small LCD Panels.**

5 83. Paragraph 83 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations contained
7 in Paragraph 83 relate to other Defendants and/or third parties to this action, TMD lacks
8 knowledge or information sufficient to form a belief as to the truth of the allegations and,
9 therefore, denies them. To the extent that the allegations contained in Paragraph 83 are directed
10 to TMD, TMD denies these allegations.

11 84. Paragraph 84 contains argument, Plaintiff's characterization of its claims and/or
12 legal conclusions, to which no response is required. To the extent that the allegations contained
13 in Paragraph 84 may be deemed to require a response from TMD, TMD denies these allegations.
14 To the extent Paragraph 84 relates to other Defendants and/or third parties to this action, TMD
15 lacks knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained in Paragraph 84 and, therefore, denies these allegations.

17 **3. Defendants Engaged in Illegal Bilateral And Multilateral Communications**
18 **About The Pricing Of TFT-LCD Panels.**

19 85. To the extent that the allegations contained in Paragraph 85 relate to other
20 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
21 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
22 allegations contained in Paragraph 85 are directed to TMD, TMD denies these allegations.

23 86. To the extent that the allegations contained in Paragraph 86 relate to other
24 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
25 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
26 allegations contained in Paragraph 86 are directed to TMD, TMD denies these allegations.

27 87. To the extent that the allegations contained in Paragraph 87 relate to other
28 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief

1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
2 allegations contained in Paragraph 87 are directed to TMD, TMD denies these allegations.

3 88. Paragraph 88 relates to other Defendants and/or third parties to this action.
4 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of
5 the allegations contained in Paragraph 88 and, therefore, denies these allegations. To the extent
6 that the allegations contained in Paragraph 88 are directed to TMD, TMD denies these
7 allegations.

8 89. Paragraph 89 relates to other Defendants and/or third parties to this action.
9 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of
10 the allegations contained in Paragraph 89 and, therefore, denies these allegations. To the extent
11 that the allegations contained in Paragraph 89 are directed to TMD, TMD denies these
12 allegations.

13 90. Paragraph 90 relates to other Defendants and/or third parties to this action.
14 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of
15 the allegations contained in Paragraph 90 and, therefore, denies these allegations. To the extent
16 that the allegations contained in Paragraph 90 are directed to TMD, TMD denies these
17 allegations.

18 91. Paragraph 91 relates to other Defendants and/or third parties to this action.
19 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 91 and, therefore, denies these allegations. To the extent
21 that the allegations contained in Paragraph 91 are directed to TMD, TMD denies these
22 allegations.

23 92. To the extent that the allegations contained in Paragraph 92 relate to other
24 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
25 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
26 allegations contained in Paragraph 92 are directed to TMD, TMD denies these allegations.
27
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1 **4. Defendants Engaged in Illegal Bilateral And Multilateral Communications About**
2 **The Pricing of STN-LCD Panels.**

3 93. Paragraph 93 contains argument and legal conclusions, to which no response is
4 required. Also, to the extent that the allegations contained in Paragraph 93 relate to other
5 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
6 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
7 allegations contained in Paragraph 93 are directed to TMD, TMD denies these allegations.

8 94. To the extent that the allegations contained in Paragraph 94 relate to other
9 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
10 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
11 allegations contained in Paragraph 94 are directed to TMD, TMD denies these allegations.

12 95. To the extent that the allegations contained in Paragraph 95 relate to other
13 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
14 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
15 allegations contained in Paragraph 95 are directed to TMD, TMD denies these allegations.

16 96. To the extent that the allegations contained in Paragraph 96 relate to other
17 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
18 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
19 allegations contained in Paragraph 96 are directed to TMD, TMD denies these allegations.

20 97. To the extent that the allegations contained in Paragraph 97 relate to other
21 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
22 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
23 allegations contained in Paragraph 97 are directed to TMD, TMD denies these allegations.

24 98. To the extent that the allegations contained in Paragraph 98 relate to other
25 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
26 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
27 allegations contained in Paragraph 98 are directed to TMD, TMD denies these allegations.
28

1 99. To the extent that the allegations contained in Paragraph 99 relate to other
2 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
3 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
4 allegations contained in Paragraph 99 are directed to TMD, TMD denies these allegations.

5 100. Paragraph 100 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations contained
7 in Paragraph 100 relate to other Defendants and/or third parties to this action, TMD lacks
8 knowledge or information sufficient to form a belief as to the truth of the allegations and,
9 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 100
10 are directed to TMD, TMD denies these allegations.

11 101. Paragraph 101 contains argument, Plaintiff's characterization of its claims and/or
12 legal conclusions, to which no response is required. To the extent that the allegations contained
13 in Paragraph 101 relate to other Defendants and/or third parties to this action, TMD lacks
14 knowledge or information sufficient to form a belief as to the truth of the allegations and,
15 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 101
16 are directed to TMD, TMD denies these allegations.

17 102. Paragraph 102 contains argument, Plaintiff's characterization of its claims and/or
18 legal conclusions, to which no response is required. To the extent that the allegations contained
19 in Paragraph 102 relate to other Defendants and/or third parties to this action, TMD lacks
20 knowledge or information sufficient to form a belief as to the truth of the allegations and,
21 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 102
22 are directed to TMD, TMD denies these allegations.

23 103. Paragraph 103 contains argument, Plaintiff's characterization of its claims and/or
24 legal conclusions, to which no response is required. To the extent that the allegations contained
25 in Paragraph 103 relate to other Defendants and/or third parties to this action, TMD lacks
26 knowledge or information sufficient to form a belief as to the truth of the allegations and,
27 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 103
28 are directed to TMD, TMD denies these allegations.

1 104. To the extent that the allegations contained in Paragraph 104 relate to other
2 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
3 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
4 allegations in Paragraph 104 are directed to TMD, TMD denies these allegations.

5 105. Paragraph 105 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations contained
7 in Paragraph 105 relate to other Defendants and/or third parties to this action, TMD lacks
8 knowledge or information sufficient to form a belief as to the truth of the allegations and,
9 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 105
10 are directed to TMD, TMD denies these allegations.

11 **C. Defendants Have Been Charged With And Have Pled Guilty To Participating in Price-**
12 **Fixing Meetings In The U.S. And For Fixing The Price Of LCD Panels And LCD Products**
Sold In The U.S.

13 106. Paragraph 106 consists of purported statements by government authorities, news
14 reports and/or statements in public documents, which speak for themselves and to which no
15 response is required. To the extent that the allegations contained in Paragraph 106 may be
16 deemed to require a response from TMD, TMD denies these allegations.

17 107. Paragraph 107 consists of purported statements by government authorities, news
18 reports and/or statements in public documents, which speak for themselves and to which no
19 response is required. To the extent that the allegations contained in Paragraph 107 may be
20 deemed to require a response from TMD, TMD denies these allegations.

21 108. Paragraph 108 consists of purported statements by government authorities, news
22 reports and/or statements in public documents, which speak for themselves and to which no
23 response is required. To the extent that the allegations contained in Paragraph 108 may be
24 deemed to require a response from TMD, TMD denies these allegations.

25 109. Paragraph 109 consists of purported statements by government authorities and/or
26 statements in public documents, which speak for themselves and to which no response is
27 required. To the extent that the allegations contained in Paragraph 109 may be deemed to
28 require a response from TMD, TMD denies these allegations, except admits that Chi Mei

1 Optoelectronics agreed to plead guilty and pay criminal fines for its participation in a conspiracy
2 to fix prices of TFT-LCD panels.

3 110. Paragraph 110 consists of purported statements by government authorities and/or
4 statements in public documents, which speak for themselves and to which no response is
5 required. To the extent that the allegations contained in Paragraph 110 may be deemed to
6 require a response from TMD, TMD denies these allegations, except admits that LG Display Co.
7 Ltd. and LG Display America, Inc. agreed to plead guilty and pay criminal fines for their
8 participation in a conspiracy to fix prices of TFT-LCD panels.

9 111. Paragraph 111 consists of purported statements by government authorities and/or
10 statements in public documents, which speak for themselves and to which no response is
11 required. To the extent that the allegations contained in Paragraph 111 may be deemed to
12 require a response from TMD, TMD denies these allegations, except admits certain current and
13 former executives of LG Display Co. Ltd. agreed to plead guilty and pay criminal fines for their
14 participation in a conspiracy to fix prices of TFT-LCD panels.

15 112. Paragraph 112 consists of purported statements by government authorities and/or
16 statements in public documents, which speak for themselves and to which no response is
17 required. To the extent that the allegations contained in Paragraph 112 may be deemed to
18 require a response from TMD, TMD denies these allegations, except admits that certain current
19 and former executives of LG Display Co. Ltd. agreed to plead guilty and pay criminal fines for
20 their participation in a conspiracy to fix prices of TFT-LCD panels.

21 113. Paragraph 113 consists of purported statements by government authorities and/or
22 statements in public documents, which speak for themselves and to which no response is
23 required. To the extent that the allegations contained in Paragraph 113 may be deemed to
24 require a response from TMD, TMD denies these allegations, except admits that certain current
25 and former executives of LG Display Co. Ltd. agreed to plead guilty and pay criminal fines for
26 their participation in a conspiracy to fix prices of TFT-LCD panels.

27 114. Paragraph 114 consists of purported statements by government authorities and/or
28 statements in public documents, which speak for themselves and to which no response is

1 required. To the extent that the allegations contained in Paragraph 114 may be deemed to
2 require a response from TMD, TMD denies these allegations, except admits that Chunghwa
3 Picture Tubes, Ltd. agreed to plead guilty and pay criminal fines for its participation in a
4 conspiracy to fix prices of TFT-LCD panels.

5 115. Paragraph 115 consists of purported statements by government authorities and/or
6 statements in public documents, which speak for themselves and to which no response is
7 required. To the extent that the allegations contained in Paragraph 115 may be deemed to
8 require a response from TMD, TMD denies these allegations, except admits that certain current
9 and former executives of Chunghwa Picture Tubes, Ltd. agreed to plead guilty and pay criminal
10 fines for their participation in a conspiracy to fix prices of TFT-LCD panels.

11 116. Paragraph 116 consists of purported statements by government authorities and/or
12 statements in public documents, which speak for themselves and to which no response is
13 required. To the extent that the allegations contained in Paragraph 116 may be deemed to
14 require a response from TMD, TMD denies these allegations, except admits that certain former
15 executives of Chunghwa Picture Tubes, Ltd. have been indicted for alleged violations of the
16 Sherman Act.

17 117. Paragraph 117 consists of purported statements by government authorities and/or
18 statements in public documents, which speak for themselves and to which no response is
19 required. To the extent that the allegations contained in Paragraph 117 may be deemed to
20 require a response from TMD, TMD denies these allegations, except admits that Sharp
21 Corporation agreed to plead guilty for its participation in a conspiracy to fix prices of TFT-LCD
22 panels.

23 118. Paragraph 118 contains argument, Plaintiff's characterization of its claims and/or
24 legal conclusions, to which no response is required. Paragraph 118 also contains purported
25 statements by government authorities and/or statements in public documents, which speak for
26 themselves and to which no response is required. To the extent that the allegations contained in
27 Paragraph 118 relate to other Defendants and/or third parties to this action, TMD lacks
28 knowledge or information sufficient to form a belief as to the truth of the allegations and,

1 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 118
2 are directed to TMD, TMD denies these allegations.

3 119. Paragraph 119 consists of purported statements by government authorities and/or
4 statements in public documents, which speak for themselves and to which no response is
5 required. To the extent that the allegations contained in Paragraph 119 may be deemed to
6 require a response from TMD, TMD denies these allegations, except admits that Epson Imaging
7 Devices Corporation agreed to plead guilty and pay a criminal fine for its participation in a
8 conspiracy to fix prices of TFT-LCD panels.

9 120. Paragraph 120 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. Also, Paragraph 120 relates to other
11 Defendants and/or third parties to this action. Accordingly, TMD lacks knowledge or
12 information sufficient to form a belief as to the truth of the allegations contained in Paragraph
13 120 and, therefore, denies these allegations. To the extent that the allegations contained in
14 Paragraph 120 may be deemed to require a response from TMD, TMD denies these allegations.

15 121. Paragraph 121 contains legal conclusions, to which no response is required. To
16 the extent that the allegations contained in Paragraph 121 may be deemed to require a response
17 from TMD, TMD denies these allegations. Also, Paragraph 121 relates to other Defendants
18 and/or third parties to this action. Accordingly, TMD lacks knowledge or information sufficient
19 to form a belief as to the truth of the allegations contained in Paragraph 121 and, therefore,
20 denies these allegations, except admits that Toshiba Corporation and Matsushita formed TMD in
21 2002.

22 122. Paragraph 122 relates to other Defendants and/or third parties to this action.
23 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of
24 the allegations contained in Paragraph 122 and, therefore, denies these allegations. To the extent
25 that the allegations contained in Paragraph 122 are directed to TMD, TMD denies these
26 allegations.

27 123. Paragraph 123 relates to other Defendants and/or third parties to this action.
28 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of

1 the allegations contained in Paragraph 123 and, therefore, denies these allegations. To the extent
2 that the allegations contained in Paragraph 123 are directed to TMD, TMD denies these
3 allegations.

4 124. Paragraph 124 relates to other Defendants and/or third parties to this action.
5 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of
6 the allegations contained in Paragraph 124 and, therefore, denies these allegations. To the extent
7 that the allegations contained in Paragraph 124 are directed to TMD, TMD denies these
8 allegations.

9 125. Paragraph 125 relates to other Defendants and/or third parties to this action.
10 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of
11 the allegations contained in Paragraph 125 and, therefore, denies these allegations. To the extent
12 that the allegations contained in Paragraph 125 are directed to TMD, TMD denies these
13 allegations.

14 126. Paragraph 126 contains argument, Plaintiff's characterization of its claims and/or
15 legal conclusions, to which no response is required. Additionally, Paragraph 126 relates to other
16 Defendants and/or third parties to this action. Accordingly, TMD lacks knowledge or
17 information sufficient to form a belief as to the truth of the allegations contained in Paragraph
18 126 and, therefore, denies these allegations. To the extent that the allegations contained in
19 Paragraph 126 are directed to TMD, TMD denies these allegations.

20 127. Paragraph 127 contains argument, Plaintiff's characterization of its claims and/or
21 legal conclusions, to which no response is required. To the extent that the allegations contained
22 in Paragraph 127 relate to other Defendants and/or third parties to this action, TMD lacks
23 knowledge or information sufficient to form a belief as to the truth of the allegations contained
24 in Paragraph 127 and, therefore, denies these allegations. To the extent that the allegations
25 contained in Paragraph 127 are directed to TMD, TMD denies these allegations.
26
27
28

1 **D. Defendants Negotiated With Motorola In The United States And Entered Into**
2 **Agreements With Motorola To Sell Panels At Prices Illegally Raised Through Their**
3 **Conspiracy.**

4 128. To the extent that the allegations contained in Paragraph 128 relate to other
5 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
6 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
7 allegations contained in Paragraph 128 are directed to TMD, TMD denies these allegations,
8 except admits that TMD sold certain types of LCD panels to Motorola's affiliates located
9 outside the United States.

10 129. TMD lacks knowledge or information sufficient to form a belief as to the truth of
11 the allegations contained in Paragraph 129 and, therefore, denies these allegations.

12 130. TMD lacks knowledge or information sufficient to form a belief as to the truth of
13 the allegations contained in Paragraph 130 and, therefore, denies these allegations.

14 131. Paragraph 131 contains argument, Plaintiff's characterization of its claims and/or
15 legal conclusions, to which no response is required. To the extent that the allegations contained
16 in Paragraph 131 relate to other Defendants and/or third parties to this action, TMD lacks
17 knowledge or information sufficient to form a belief as to the truth of the allegations contained
18 in Paragraph 131 and, therefore, denies these allegations. To the extent that the allegations
19 contained in Paragraph 131 are directed to TMD, TMD denies these allegations.

20 132. TMD lacks knowledge or information sufficient to form a belief as to the truth of
21 the allegations contained in Paragraph 132 and, therefore, denies these allegations.

22 133. TMD lacks knowledge or information sufficient to form a belief as to the truth of
23 the allegations contained in Paragraph 133 and, therefore, denies these allegations.

24 134. TMD lacks knowledge or information sufficient to form a belief as to the truth of
25 the allegations contained in Paragraph 134 and, therefore, denies these allegations.

26 135. TMD lacks knowledge or information sufficient to form a belief as to the truth of
27 the allegations contained in Paragraph 135 and, therefore, denies these allegations.
28

1 136. TMD lacks knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 136 and, therefore, denies these allegations.

3 137. Paragraph 137 consists of Plaintiff's characterization of its claims and/or legal
4 conclusions to which no response is required. To the extent that the allegations contained in
5 Paragraph 137 may be deemed to require a response from TMD, TMD lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations.

8 **E. Defendants Agreed To Provide Motorola LCD Panels In Compliance With Applicable**
9 **Laws And Regulations.**

10 138. To the extent that the allegations contained in Paragraph 138 relate to other
11 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
12 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
13 allegations contained in Paragraph 138 are directed to TMD, TMD denies these allegations.

14 139. To the extent that the allegations contained in Paragraph 139 relate to other
15 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
16 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
17 allegations contained in Paragraph 139 are directed to TMD, TMD denies these allegations.

18 140. Paragraph 140 consists of Plaintiff's characterization of its claims and/or legal
19 conclusions to which no response is required. To the extent that the allegations contained in
20 Paragraph 140 relate to other Defendants and/or third parties, TMD lacks knowledge or
21 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
22 these allegations. To the extent that the allegations contained in Paragraph 140 are directed to
23 TMD, TMD denies these allegations.

24 141. Paragraph 141 consists of Plaintiff's characterization of its claims and/or legal
25 conclusions to which no response is required. To the extent that the allegations contained in
26 Paragraph 141 relate to other Defendants and/or third parties, TMD lacks knowledge or
27 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
28

1 these allegations. To the extent that the allegations contained in Paragraph 141 are directed to
2 TMD, TMD denies these allegations.

3 **F. Defendants Concealed That The Prices Motorola Negotiated For LCD Panels And LCD**
4 **Products Were Illegally Increased By The Defendants' Conspiracy.**

5 142. Paragraph 142 contains argument, Plaintiff's characterization of its claims and/or
6 legal conclusions, to which no response is required. To the extent that the allegations contained
7 in Paragraph 142 relate to other Defendants and/or third parties, TMD lacks knowledge or
8 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
9 these allegations. To the extent that the allegations contained in Paragraph 142 are directed to
10 TMD, TMD denies these allegations.

11 143. Paragraph 143 contains argument, Plaintiff's characterization of its claims and/or
12 legal conclusions, to which no response is required. To the extent that the allegations contained
13 in Paragraph 143 relate to other Defendants and/or third parties, TMD lacks knowledge or
14 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
15 these allegations. To the extent that the allegations contained in Paragraph 143 are directed to
16 TMD, TMD denies these allegations.

17 144. Paragraph 144 contains argument, Plaintiff's characterization of its claims and/or
18 legal conclusions, to which no response is required. To the extent that the allegations contained
19 in Paragraph 144 relate to other Defendants and/or third parties, TMD lacks knowledge or
20 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
21 these allegations. To the extent that the allegations contained in Paragraph 144 are directed to
22 TMD, TMD denies these allegations.

23 145. Paragraph 145 contains argument, Plaintiff's characterization of its claims and/or
24 legal conclusions, to which no response is required. To the extent that the allegations contained
25 in Paragraph 145 relate to other Defendants and/or third parties, TMD lacks knowledge or
26 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
27 these allegations. To the extent that the allegations contained in Paragraph 145 are directed to
28 TMD, TMD denies these allegations.

1 146. Paragraph 146 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations contained
3 in Paragraph 146 relate to other Defendants and/or third parties, TMD lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 146 are directed to
6 TMD, TMD denies these allegations.

7 147. Paragraph 147 contains argument, Plaintiff's characterization of its claims and/or
8 legal conclusions, to which no response is required. To the extent that the allegations contained
9 in Paragraph 147 relate to other Defendants and/or third parties, TMD lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 147 are directed to
12 TMD, TMD denies these allegations.

13 148. Paragraph 148 contains argument, Plaintiff's characterization of its claims and/or
14 legal conclusions, to which no response is required. To the extent that the allegations contained
15 in Paragraph 148 relate to other Defendants and/or third parties, TMD lacks knowledge or
16 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
17 these allegations. To the extent that the allegations contained in Paragraph 148 are directed to
18 TMD, TMD denies these allegations.

19 149. Paragraph 149 contains argument, Plaintiff's characterization of its claims and/or
20 legal conclusions, to which no response is required. To the extent that the allegations contained
21 in Paragraph 149 relate to other Defendants and/or third parties, TMD lacks knowledge or
22 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
23 these allegations. To the extent that the allegations contained in Paragraph 149 are directed to
24 TMD, TMD denies these allegations.

25 150. Paragraph 150 contains argument, Plaintiff's characterization of its claims and/or
26 legal conclusions, to which no response is required. To the extent that the allegations contained
27 in Paragraph 150 relate to other Defendants and/or third parties, TMD lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 150 are directed to
2 TMD, TMD denies these allegations.

3 151. Paragraph 151 relates to other Defendants and/or third parties to this action.
4 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of
5 the allegations contained in Paragraph 151 and, therefore, denies these allegations. To the extent
6 that the allegations contained in Paragraph 151 are directed to TMD, TMD denies these
7 allegations.

8 152. Paragraph 152 contains argument, Plaintiff's characterization of its claims and/or
9 legal conclusions, to which no response is required. To the extent that the allegations contained
10 in Paragraph 152 relate to other Defendants and/or third parties, TMD lacks knowledge or
11 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
12 these allegations. To the extent that the allegations contained in Paragraph 152 are directed to
13 TMD, TMD denies these allegations.

14 **VII. EFFECT ON U.S. COMMERCE AND INJURY TO MOTOROLA**

15 **A. Defendants' Conduct Involved Import Trade or Import Commerce.**

16 153. Paragraph 153 contains argument and legal conclusions, to which no response is
17 required. To the extent that the allegations contained in Paragraph 153 relate to other
18 Defendants, TMD lacks knowledge or information sufficient to form a belief as to the truth of
19 these allegations and, therefore, denies these allegations. To the extent that the allegations
20 contained in Paragraph 153 are directed to TMD, TMD denies these allegations.

21 154. Paragraph 154 contains argument and legal conclusions, to which no response is
22 required. To the extent that the allegations contained in Paragraph 154 relate to other
23 Defendants, TMD lacks knowledge or information sufficient to form a belief as to the truth of
24 these allegations and, therefore, denies these allegations. To the extent that the allegations
25 contained in Paragraph 154 are directed to TMD, TMD denies these allegations.

26 155. Paragraph 155 contains argument and legal conclusions, to which no response is
27 required. To the extent that the allegations contained in Paragraph 155 relate to other
28 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief

1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
2 allegations contained in Paragraph 155 are directed to TMD, TMD denies these allegations.

3 156. Paragraph 156 contains argument and legal conclusions, to which no response is
4 required. To the extent that the allegations contained in Paragraph 156 relate to other
5 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
6 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
7 allegations contained in Paragraph 156 are directed to TMD, TMD denies these allegations.

8 157. Paragraph 157 contains argument and legal conclusions, to which no response is
9 required. To the extent that the allegations contained in Paragraph 157 relate to other
10 Defendants, TMD lacks knowledge or information sufficient to form a belief as to the truth of
11 these allegations and, therefore, denies these allegations. To the extent that the allegations
12 contained in Paragraph 157 are directed to TMD, TMD denies these allegations.

13 158. Paragraph 158 contains argument and legal conclusions, to which no response is
14 required. To the extent that the allegations contained in Paragraph 158 relate to other
15 Defendants, TMD lacks knowledge or information sufficient to form a belief as to the truth of
16 these allegations and, therefore, denies these allegations. To the extent that the allegations
17 contained in Paragraph 158 are directed to TMD, TMD denies these allegations, except admits
18 that Sharp Corporation and Epson Imaging Devices Corporation agreed to plead guilty and pay
19 criminal fines for their participation in conspiracies to fix prices of TFT-LCD panels.

20 159. Paragraph 159 contains argument and legal conclusions, to which no response is
21 required. To the extent that the allegations contained in Paragraph 159 relate to other
22 Defendants, TMD lacks knowledge or information sufficient to form a belief as to the truth of
23 these allegations and, therefore, denies these allegations. To the extent that the allegations
24 contained in Paragraph 159 are directed to TMD, TMD denies these allegations.

25 160. To the extent that the allegations contained in Paragraph 160 relate to other
26 Defendants, TMD lacks knowledge or information sufficient to form a belief as to the truth of
27 these allegations and, therefore, denies these allegations. To the extent that the allegations
28 contained in Paragraph 160 are directed to TMD, TMD denies these allegations.

1 161. Paragraph 161 contains purported statements made by other Defendants and
2 statements in public documents, which speak for themselves and to which no response is
3 required. To the extent that the allegations contained in Paragraph 161 relate to other
4 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
5 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
6 allegations contained in Paragraph 161 may be deemed to require a response from TMD, TMD
7 denies these allegations.

8 162. Paragraph 162 contains purported statements made by other Defendants and
9 statements in public documents, which speak for themselves and to which no response is
10 required. To the extent that the allegations contained in Paragraph 162 relate to other
11 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
12 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
13 allegations contained in Paragraph 162 may be deemed to require a response from TMD, TMD
14 denies these allegations.

15 163. Paragraph 163 contains purported statements made by other Defendants and
16 statements in public documents, which speak for themselves and to which no response is
17 required. To the extent that the allegations contained in Paragraph 163 relate to other
18 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
19 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
20 allegations contained in Paragraph 163 may be deemed to require a response from TMD, TMD
21 denies these allegations.

22 **B. Defendants Conduct Had A Direct, Substantial, And Reasonably Foreseeable Effect on**
23 **U.S. Domestic And Import Trade Or Commerce That Gave Rise to Motorola's Antitrust**
24 **Claim.**

25 164. Paragraph 164 contains argument, Plaintiff's characterization of its claims and/or
26 legal conclusions, to which no response is required. To the extent that the allegations contained
27 in Paragraph 164 relate to other Defendants and/or third parties, TMD lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 164 are directed to
2 TMD, TMD denies these allegations.

3 165. Paragraph 165 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations contained
5 in Paragraph 165 relate to other Defendants and/or third parties, TMD lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 165 are directed to
8 TMD, TMD denies these allegations.

9 166. Paragraph 166 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations contained
11 in Paragraph 166 relate to other Defendants and/or third parties, TMD lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 166 are directed to
14 TMD, TMD denies these allegations.

15 167. Paragraph 167 contains argument, Plaintiff's characterization of its claims and/or
16 legal conclusions, to which no response is required. To the extent that the allegations contained
17 in Paragraph 167 relate to other Defendants and/or third parties, TMD lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 167 are directed to
20 TMD, TMD denies these allegations.

21 168. Paragraph 168 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations contained
23 in Paragraph 168 relate to other Defendants and/or third parties, TMD lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 168 are directed to
26 TMD, TMD denies these allegations.

27 169. Paragraph 169 contains purported statements made by other Defendants and
28 statements in public documents, which speak for themselves and to which no response is

1 required. Paragraph 169 also contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations contained
3 in Paragraph 169 relate to other Defendants and/or third parties, TMD lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 169 may be deemed
6 to require a response from TMD, TMD denies these allegations.

7 170. Paragraph 170 contains purported statements made by other Defendants and
8 statements in public documents, which speak for themselves and to which no response is
9 required. Paragraph 170 also contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations contained
11 in Paragraph 170 relate to other Defendants and/or third parties, TMD lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 170 may be deemed
14 to require a response from TMD, TMD denies these allegations.

15 171. Paragraph 171 contains purported statements made by other Defendants and
16 statements in public documents, which speak for themselves and to which no response is
17 required. To the extent that the allegations contained in Paragraph 171 relate to other
18 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
19 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
20 allegations contained in Paragraph 171 may be deemed to require a response from TMD, TMD
21 denies these allegations.

22 172. Paragraph 172 contains argument, Plaintiff's characterization of its claims and/or
23 legal conclusions, to which no response is required. To the extent that the allegations contained
24 in Paragraph 172 relate to other Defendants and/or third parties, TMD lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 172 are directed to
27 TMD, TMD denies these allegations.
28

1 173. Paragraph 173 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations contained
3 in Paragraph 173 relate to other Defendants and/or third parties, TMD lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 173 are directed to
6 TMD, TMD denies these allegations.

7 174. Paragraph 174 contains argument, Plaintiff's characterization of its claims and/or
8 legal conclusions, to which no response is required. To the extent that the allegations contained
9 in Paragraph 174 relate to other Defendants and/or third parties, TMD lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 174 are directed to
12 TMD, TMD denies these allegations.

13 175. Paragraph 175 contains argument, Plaintiff's characterization of its claims and/or
14 legal conclusions, to which no response is required. To the extent that the allegations contained
15 in Paragraph 175 relate to other Defendants and/or third parties, TMD lacks knowledge or
16 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
17 these allegations. To the extent that the allegations contained in Paragraph 175 are directed to
18 TMD, TMD denies these allegations.

19 176. Paragraph 176 contains argument, Plaintiff's characterization of its claims and/or
20 legal conclusions, to which no response is required. To the extent that the allegations contained
21 in Paragraph 176 relate to other Defendants and/or third parties, TMD lacks knowledge or
22 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
23 these allegations. To the extent that the allegations contained in Paragraph 176 are directed to
24 TMD, TMD denies these allegations.

25 177. Paragraph 177 contains argument, Plaintiff's characterization of its claims and/or
26 legal conclusions, to which no response is required. To the extent that the allegations contained
27 in Paragraph 177 relate to other Defendants and/or third parties, TMD lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 177 are directed to
2 TMD, TMD denies these allegations.

3 178. Paragraph 178 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations contained
5 in Paragraph 178 relate to other Defendants and/or third parties, TMD lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 178 are directed to
8 TMD, TMD denies these allegations.

9 179. Paragraph 179 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations contained
11 in Paragraph 179 relate to other Defendants and/or third parties, TMD lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 179 are directed to
14 TMD, TMD denies these allegations.

15 180. Paragraph 180 contains argument, Plaintiff's characterization of its claims and/or
16 legal conclusions, to which no response is required. To the extent that the allegations contained
17 in Paragraph 180 relate to other Defendants and/or third parties, TMD lacks knowledge or
18 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
19 these allegations. To the extent that the allegations contained in Paragraph 180 are directed to
20 TMD, TMD denies these allegations.

21 **VIII. MARKET CONDITIONS DEMONSTRATING THE CONSPIRACY**

22 181. Paragraph 181 contains argument, Plaintiff's characterization of its claims and/or
23 legal conclusions, to which no response is required. To the extent that the allegations contained
24 in Paragraph 181 relate to other Defendants and/or third parties to this action, TMD lacks
25 knowledge or information sufficient to form a belief as to the truth of these allegations and,
26 therefore, denies these allegations. To the extent that the allegations contained in Paragraph 181
27 are directed to TMD, TMD denies these allegations.

1 **A. Structure of the LCD Panel Industry.**

2 182. TMD denies each and every allegation contained in Paragraph 182.

3 183. To the extent that the allegations contained in Paragraph 183 relate to other
4 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
5 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
6 allegations contained in Paragraph 183 are directed to TMD, TMD denies these allegations.

7 184. To the extent that the allegations contained in Paragraph 184 relate to other
8 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
9 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
10 allegations contained in Paragraph 184 are directed to TMD, TMD denies these allegations.

11 185. Paragraph 185 contains argument and legal conclusions, to which no response is
12 required. Also, to the extent that the allegations contained in Paragraph 185 relate to other
13 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
14 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
15 allegations contained in Paragraph 185 are directed to TMD, TMD denies these allegations.

16 186. To the extent that the allegations contained in Paragraph 186 relate to other
17 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
18 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
19 allegations contained in Paragraph 186 are directed to TMD, TMD denies these allegations,
20 except admits that TMD was formed in 2002 by Toshiba Corporation and Matsushita.

21 187. To the extent that the allegations contained in Paragraph 187 relate to other
22 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
23 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
24 allegations contained in Paragraph 187 are directed to TMD, TMD denies these allegations.

25 188. To the extent that the allegations contained in Paragraph 188 relate to other
26 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
27 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
28 allegations contained in Paragraph 188 are directed to TMD, TMD denies these allegations.

1 **B. Pricing in the LCD Panel Market Indicates Collusion By The Defendants.**

2 189. Paragraph 189 contains argument and legal conclusions, to which no response is
3 required. Also, to the extent that the allegations contained in Paragraph 189 relate to other
4 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
5 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
6 allegations contained in Paragraph 189 are directed to TMD, TMD denies these allegations.

7 190. Paragraph 190 contains argument and legal conclusions, to which no response is
8 required. Also, to the extent that the allegations contained in Paragraph 190 relate to other
9 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
10 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
11 allegations contained in Paragraph 190 are directed to TMD, TMD denies these allegations.

12 191. Paragraph 191 contains argument and legal conclusions, to which no response is
13 required. Also, to the extent that the allegations contained in Paragraph 191 relate to other
14 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
15 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
16 allegations contained in Paragraph 191 are directed to TMD, TMD denies these allegations.

17 192. Paragraph 192 contains argument and legal conclusions, to which no response is
18 required. Also, to the extent that the allegations contained in Paragraph 192 relate to other
19 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
20 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
21 allegations contained in Paragraph 192 are directed to TMD, TMD denies these allegations.

22 193. Paragraph 193 contains argument and legal conclusions, to which no response is
23 required. Also, to the extent that the allegations contained in Paragraph 193 relate to other
24 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
25 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
26 allegations contained in Paragraph 193 are directed to TMD, TMD denies these allegations.

27 194. Paragraph 194 contains argument and legal conclusions, to which no response is
28 required. Also, to the extent that the allegations contained in Paragraph 194 relate to other

1 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
2 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
3 allegations contained in Paragraph 194 are directed to TMD, TMD denies these allegations.

4 195. Paragraph 195 contains argument and legal conclusions, to which no response is
5 required. Also, to the extent that the allegations contained in Paragraph 195 relate to other
6 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
7 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
8 allegations contained in Paragraph 195 are directed to TMD, TMD denies these allegations.

9 196. Paragraph 196 contains argument and legal conclusions, to which no response is
10 required. Also, to the extent that the allegations contained in Paragraph 196 relate to other
11 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
12 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
13 allegations contained in Paragraph 196 are directed to TMD, TMD denies these allegations.

14 197. Paragraph 197 contains argument and legal conclusions, to which no response is
15 required. Also, to the extent that the allegations contained in Paragraph 197 relate to other
16 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
17 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
18 allegations contained in Paragraph 197 are directed to TMD, TMD denies these allegations.

19 198. Paragraph 198 contains argument and legal conclusions, to which no response is
20 required. Also, to the extent that the allegations contained in Paragraph 198 relate to other
21 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
22 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
23 allegations contained in Paragraph 198 are directed to TMD, TMD denies these allegations.

24 199. Paragraph 199 contains argument and legal conclusions, to which no response is
25 required. Also, to the extent that the allegations contained in Paragraph 199 relate to other
26 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
27 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
28 allegations contained in Paragraph 199 are directed to TMD, TMD denies these allegations.

1 200. TMD lacks knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 200 and, therefore, denies these allegations.

3 201. Paragraph 201 contains argument and legal conclusions, to which no response is
4 required. Also, to the extent that the allegations contained in Paragraph 201 relate to other
5 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
6 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
7 allegations contained in Paragraph 201 are directed to TMD, TMD denies these allegations.

8 202. Paragraph 202 contains argument and legal conclusions, to which no response is
9 required. Also, to the extent that the allegations contained in Paragraph 202 relate to other
10 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
11 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
12 allegations contained in Paragraph 202 are directed to TMD, TMD denies these allegations.

13 203. Paragraph 203 contains argument and legal conclusions, to which no response is
14 required. Also, Paragraph 203 relates to other Defendants and/or third parties to this action.
15 Accordingly, TMD lacks knowledge or information sufficient to form a belief as to the truth of
16 the allegations contained in Paragraph 203 and, therefore, denies these allegations. To the extent
17 that the allegations contained in Paragraph 203 are directed to TMD, TMD denies these
18 allegations.

19 204. TMD lacks knowledge or information sufficient to form a belief as to the truth of
20 the allegations contained in Paragraph 204 and, therefore, denies these allegations.

21 205. Paragraph 205 contains argument, Plaintiff's characterization of its claims and/or
22 legal conclusions, to which no response is required. To the extent that the allegations contained
23 in Paragraph 205 relate to other Defendants and/or third parties, TMD lacks knowledge or
24 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
25 these allegations. To the extent that the allegations contained in Paragraph 205 are directed to
26 TMD, TMD denies these allegations.

27 206. TMD lacks knowledge or information sufficient to form a belief as to the truth of
28 the allegations contained in Paragraph 206 and, therefore, denies these allegations.

1 207. Paragraph 207 contains argument and legal conclusions, to which no response is
2 required. To the extent that the allegations contained in Paragraph 207 relate to other
3 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
4 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
5 allegations contained in Paragraph 207 are directed to TMD, TMD denies these allegations.

6 208. Paragraph 208 contains argument and legal conclusions, to which no response is
7 required. To the extent that the allegations contained in Paragraph 208 relate to other
8 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
9 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
10 allegations contained in Paragraph 208 are directed to TMD, TMD denies these allegations.

11 **IX. VIOLATIONS ALLEGED**
12 **FIRST CLAIM FOR RELIEF AGAINST ALL DEFENDANTS: VIOLATION OF**
13 **SHERMAN ACT**

14 209. TMD hereby incorporates by reference its responses to Paragraphs 1-208 of the
15 Complaints as set forth above.

16 210. Paragraph 210 contains argument, Plaintiff's characterization of its claims and/or
17 legal conclusions, to which no response is required. To the extent that the allegations contained
18 in Paragraph 210 relate to other Defendants and/or third parties, TMD lacks knowledge or
19 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
20 these allegations. To the extent that the allegations contained in Paragraph 210 are directed to
21 TMD, TMD denies these allegations.

22 211. Paragraph 211 contains argument, Plaintiff's characterization of its claims and/or
23 legal conclusions, to which no response is required. To the extent that the allegations contained
24 in Paragraph 211 relate to other Defendants and/or third parties, TMD lacks knowledge or
25 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
26 these allegations. To the extent that the allegations contained in Paragraph 211 are directed to
27 TMD, TMD denies these allegations.
28

1 212. Paragraph 212 contains argument, Plaintiff's characterization of its claims and/or
2 legal conclusions, to which no response is required. To the extent that the allegations contained
3 in Paragraph 212 relate to other Defendants and/or third parties, TMD lacks knowledge or
4 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
5 these allegations. To the extent that the allegations contained in Paragraph 212 are directed to
6 TMD, TMD denies these allegations.

7 213. Paragraph 213 contains argument, Plaintiff's characterization of its claims and/or
8 legal conclusions, to which no response is required. To the extent that the allegations contained
9 in Paragraph 213 relate to other Defendants and/or third parties, TMD lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 213 are directed to
12 TMD, TMD denies these allegations.

13 214. Paragraph 214 contains argument, Plaintiff's characterization of its claims and/or
14 legal conclusions, to which no response is required. To the extent that the allegations contained
15 in Paragraph 214 relate to other Defendants and/or third parties, TMD lacks knowledge or
16 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
17 these allegations. To the extent that the allegations contained in Paragraph 214 are directed to
18 TMD, TMD denies these allegations.

19 215. Paragraph 215 contains argument, Plaintiff's characterization of its claims and/or
20 legal conclusions, to which no response is required. To the extent that the allegations contained
21 in Paragraph 215 relate to other Defendants and/or third parties, TMD lacks knowledge or
22 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
23 these allegations. To the extent that the allegations contained in Paragraph 215 are directed to
24 TMD, TMD denies these allegations.

25 216. Paragraph 216 contains argument, Plaintiff's characterization of its claims and/or
26 legal conclusions, to which no response is required. To the extent that the allegations contained
27 in Paragraph 216 relate to other Defendants and/or third parties, TMD lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 216 are directed to
2 TMD, TMD denies these allegations.

3 **SECOND CLAIM FOR RELIEF AGAINST ALL DEFENDANTS: VIOLATION OF**
4 **ILLINOIS ANTITRUST ACT**

5 217. TMD hereby incorporates by reference its responses to Paragraphs 1-216 of the
6 Complaint as set forth above.

7 218. Paragraph 218 contains argument, Plaintiff's characterization of its claims and/or
8 legal conclusions, to which no response is required. To the extent that the allegations contained
9 in Paragraph 218 relate to other Defendants and/or third parties, TMD lacks knowledge or
10 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
11 these allegations. To the extent that the allegations contained in Paragraph 218 are directed to
12 TMD, TMD denies these allegations.

13 219. Paragraph 219 contains argument, Plaintiff's characterization of its claims and/or
14 legal conclusions, to which no response is required. To the extent that the allegations contained
15 in Paragraph 219 relate to other Defendants and/or third parties, TMD lacks knowledge or
16 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
17 these allegations. To the extent that the allegations contained in Paragraph 219 are directed to
18 TMD, TMD denies these allegations.

19 220. Paragraph 220 contains argument, Plaintiff's characterization of its claims and/or
20 legal conclusions, to which no response is required. To the extent that the allegations contained
21 in Paragraph 220 relate to other Defendants and/or third parties, TMD lacks knowledge or
22 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
23 these allegations. To the extent that the allegations contained in Paragraph 220 are directed to
24 TMD, TMD denies these allegations.

25 221. Paragraph 221 contains argument, Plaintiff's characterization of its claims and/or
26 legal conclusions, to which no response is required. To the extent that the allegations contained
27 in Paragraph 221 relate to other Defendants and/or third parties, TMD lacks knowledge or
28 information sufficient to form a belief as to the truth of these allegations and, therefore, denies

1 these allegations. To the extent that the allegations contained in Paragraph 221 are directed to
2 TMD, TMD denies these allegations.

3 222. Paragraph 222 contains argument, Plaintiff's characterization of its claims and/or
4 legal conclusions, to which no response is required. To the extent that the allegations contained
5 in Paragraph 222 relate to other Defendants and/or third parties, TMD lacks knowledge or
6 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
7 these allegations. To the extent that the allegations contained in Paragraph 222 are directed to
8 TMD, TMD denies these allegations.

9 223. Paragraph 223 contains argument, Plaintiff's characterization of its claims and/or
10 legal conclusions, to which no response is required. To the extent that the allegations contained
11 in Paragraph 223 relate to other Defendants and/or third parties, TMD lacks knowledge or
12 information sufficient to form a belief as to the truth of these allegations and, therefore, denies
13 these allegations. To the extent that the allegations contained in Paragraph 223 are directed to
14 TMD, TMD denies these allegations.

15 **THIRD CLAIM FOR RELIEF AGAINST SHARP: BREACH OF CONTRACT**

16 224. TMD hereby incorporates by reference its responses to Paragraphs 1-223 of the
17 Complaint as set forth above.

18 225. Paragraph 225 relates to another Defendant. Accordingly, TMD lacks knowledge
19 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
20 225 and, therefore, denies these allegations.

21 226. Paragraph 226 relates to another Defendant. Accordingly, TMD lacks knowledge
22 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
23 226 and, therefore, denies these allegations.

24 227. Paragraph 227 relates to another Defendant. Accordingly, TMD lacks knowledge
25 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
26 227 and, therefore, denies these allegations.

1 228. Paragraph 228 relates to another Defendant. Accordingly, TMD lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 228 and, therefore, denies these allegations.

4 229. Paragraph 229 relates to another Defendant. Accordingly, TMD lacks knowledge
5 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
6 229 and, therefore, denies these allegations.

7 230. Paragraph 230 relates to another Defendant. Accordingly, TMD lacks knowledge
8 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
9 230 and, therefore, denies these allegations.

10 **FOURTH CLAIM FOR RELIEF AGAINST SHARP: UNJUST ENRICHMENT**

11 231. TMD hereby incorporates by reference its responses to Paragraphs 1-230 of the
12 Complaint as set forth above.

13 232. Paragraph 232 relates to another Defendant. Accordingly, TMD lacks knowledge
14 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
15 232 and, therefore, denies these allegations.

16 233. Paragraph 233 relates to another Defendant. Accordingly, TMD lacks knowledge
17 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
18 233 and, therefore, denies these allegations.

19 234. Paragraph 234 relates to another Defendant. Accordingly, TMD lacks knowledge
20 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
21 234 and, therefore, denies these allegations.

22 **FIFTH CLAIM FOR RELIEF AGAINST EPSON: BREACH OF CONTRACT**

23 235. TMD hereby incorporates by reference its responses to Paragraphs 1-234 of the
24 Complaint as set forth above.

25 236. Paragraph 236 relates to another Defendant. Accordingly, TMD lacks knowledge
26 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
27 236 and, therefore, denies these allegations.
28

1 237. Paragraph 237 relates to another Defendant. Accordingly, TMD lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 237 and, therefore, denies these allegations.

4 238. Paragraph 238 relates to another Defendant. Accordingly, TMD lacks knowledge
5 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
6 238 and, therefore, denies these allegations.

7 239. Paragraph 239 relates to another Defendant. Accordingly, TMD lacks knowledge
8 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
9 239 and, therefore, denies these allegations.

10 240. Paragraph 240 relates to another Defendant. Accordingly, TMD lacks knowledge
11 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
12 240 and, therefore, denies these allegations.

13 241. Paragraph 241 relates to another Defendant. Accordingly, TMD lacks knowledge
14 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
15 241 and, therefore, denies these allegations.

16 **SIXTH CLAIM FOR RELIEF AGAINST EPSON: UNJUST ENRICHMENT**

17 242. TMD hereby incorporates by reference its responses to Paragraphs 1-241 of the
18 Complaint as set forth above.

19 243. Paragraph 243 relates to another Defendant. Accordingly, TMD lacks knowledge
20 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
21 243 and, therefore, denies these allegations.

22 244. Paragraph 244 relates to another Defendant. Accordingly, TMD lacks knowledge
23 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
24 244 and, therefore, denies these allegations.

25 245. Paragraph 245 relates to another Defendant. Accordingly, TMD lacks knowledge
26 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
27 245 and, therefore, denies these allegations.
28

1 **SEVENTH CLAIM FOR RELIEF AGAINST TOSHIBA: BREACH OF CONTRACT**

2 246. TMD hereby incorporates by reference its responses to Paragraphs 1-245 of the
3 Complaint as set forth above.

4 247. To the extent that the allegations contained in Paragraph 247 relate to other
5 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
6 as to the truth of these allegations and, therefore, denies these allegations. To the extent the
7 allegations in Paragraph 247 purport to describe the terms of Plaintiff's purchase orders, those
8 purchase orders speak for themselves and no response is required. To the extent that the
9 allegations contained in Paragraph 247 may be deemed to require a further response from TMD,
10 TMD denies these allegations.

11 248. To the extent that the allegations contained in Paragraph 248 relate to other
12 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
13 as to the truth of these allegations and, therefore, denies these allegations. To the extent the
14 allegations in Paragraph 248 purport to describe the terms of Plaintiff's purchase orders, those
15 purchase orders speak for themselves and no response is required. To the extent that the
16 allegations contained in Paragraph 248 may be deemed to require a further response from TMD,
17 TMD denies these allegations.

18 249. TMD lacks knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 249 and, therefore, denies these allegations.

20 250. Paragraph 250 contains argument and legal conclusions, to which no response is
21 required. To the extent that the allegations contained in Paragraph 250 relate to other
22 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
23 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
24 allegations contained in Paragraph 250 are directed to TMD, TMD denies these allegations.

25 251. Paragraph 251 contains argument and legal conclusions, to which no response is
26 required. To the extent that the allegations contained in Paragraph 251 relate to other
27 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
28

1 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
2 allegations contained in Paragraph 251 are directed to TMD, TMD denies these allegations.

3 252. Paragraph 252 contains argument and legal conclusions, to which no response is
4 required. To the extent that the allegations contained in Paragraph 252 relate to other
5 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
6 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
7 allegations contained in Paragraph 252 are directed to TMD, TMD denies these allegations.

8 **EIGHTH CLAIM FOR RELIEF AGAINST TOSHIBA: UNJUST ENRICHMENT**

9 253. TMD hereby incorporates by reference its responses to Paragraphs 1-252 of the
10 Complaint as set forth above.

11 254. To the extent that the allegations contained in Paragraph 254 relate to other
12 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
13 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
14 allegations contained in Paragraph 254 are directed to TMD, TMD denies these allegations.

15 255. Paragraph 255 contains argument and legal conclusions, to which no response is
16 required. To the extent that the allegations contained in Paragraph 255 relate to other
17 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
18 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
19 allegations contained in Paragraph 255 are directed to TMD, TMD denies these allegations.

20 256. Paragraph 256 contains argument and legal conclusions, to which no response is
21 required. To the extent that the allegations contained in Paragraph 256 relate to other
22 Defendants and/or third parties, TMD lacks knowledge or information sufficient to form a belief
23 as to the truth of these allegations and, therefore, denies these allegations. To the extent that the
24 allegations contained in Paragraph 256 are directed to TMD, TMD denies these allegations.

25 **NINTH CLAIM FOR RELIEF AGAINST SAMSUNG: BREACH OF CONTRACT**

26 257. TMD hereby incorporates by reference its responses to Paragraphs 1-256 of the
27 Complaint as set forth above.
28

1 258. Paragraph 258 relates to another Defendant. Accordingly, TMD lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 258 and, therefore, denies these allegations.

4 259. Paragraph 259 relates to another Defendant. Accordingly, TMD lacks knowledge
5 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
6 259 and, therefore, denies these allegations.

7 260. Paragraph 260 relates to another Defendant. Accordingly, TMD lacks knowledge
8 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
9 260 and, therefore, denies these allegations.

10 261. Paragraph 261 relates to another Defendant. Accordingly, TMD lacks knowledge
11 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
12 261 and, therefore, denies these allegations.

13 262. Paragraph 262 relates to another Defendant. Accordingly, TMD lacks knowledge
14 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
15 262 and, therefore, denies these allegations.

16 263. Paragraph 263 relates to another Defendant. Accordingly, TMD lacks knowledge
17 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
18 263 and, therefore, denies these allegations.

19 **TENTH CLAIM FOR RELIEF AGAINST SAMSUNG: UNJUST ENRICHMENT**

20 264. TMD hereby incorporates by reference its responses to Paragraphs 1-263 of the
21 Complaint as set forth above.

22 265. Paragraph 265 relates to another Defendant. Accordingly, TMD lacks knowledge
23 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
24 265 and, therefore, denies these allegations.

25 266. Paragraph 266 relates to another Defendant. Accordingly, TMD lacks knowledge
26 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
27 266 and, therefore, denies these allegations.
28

1 267. Paragraph 267 relates to another Defendant. Accordingly, TMD lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 267 and, therefore, denies these allegations.

4 **ELEVENTH CLAIM FOR RELIEF AGAINST AU OPTRONICS: BREACH OF**
5 **CONTRACT**

6 268. TMD hereby incorporates by reference its responses to Paragraphs 1-267 of the
7 Complaint as set forth above.

8 269. Paragraph 269 relates to another Defendant. Accordingly, TMD lacks knowledge
9 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
10 269 and, therefore, denies these allegations.

11 270. Paragraph 270 relates to another Defendant. Accordingly, TMD lacks knowledge
12 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
13 270 and, therefore, denies these allegations.

14 271. Paragraph 271 relates to another Defendant. Accordingly, TMD lacks knowledge
15 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
16 271 and, therefore, denies these allegations.

17 272. Paragraph 272 relates to another Defendant. Accordingly, TMD lacks knowledge
18 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
19 272 and, therefore, denies these allegations.

20 273. Paragraph 273 relates to another Defendant. Accordingly, TMD lacks knowledge
21 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
22 273 and, therefore, denies these allegations.

23 274. Paragraph 274 relates to another Defendant. Accordingly, TMD lacks knowledge
24 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
25 274 and, therefore, denies these allegations.

26 **TWELFTH CLAIM FOR RELIEF AGAINST AU OPTRONICS: UNJUST**
27 **ENRICHMENT**

28 275. TMD hereby incorporates by reference its responses to Paragraphs 1-274 of the
Complaint as set forth above.

1 276. Paragraph 276 relates to another Defendant. Accordingly, TMD lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
3 276 and, therefore, denies these allegations.

4 277. Paragraph 277 relates to another Defendant. Accordingly, TMD lacks knowledge
5 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
6 277 and, therefore, denies these allegations.

7 278. Paragraph 278 relates to another Defendant. Accordingly, TMD lacks knowledge
8 or information sufficient to form a belief as to the truth of the allegations contained in Paragraph
9 278 and, therefore, denies these allegations.

10 **X. PRAYER FOR RELIEF**

11 In answer to the Prayer for Relief, TMD denies each and every allegation in the Prayer
12 and further specifically denies that Plaintiff is entitled to any of the relief requested or any
13 remedy whatsoever against TMD.

14 All allegations of the Complaint not heretofore admitted or denied are here and now
15 denied as though specifically denied herein.

16 **AFFIRMATIVE DEFENSES**

17 Without assuming any burden it would not otherwise bear, and reserving its right to
18 amend its Answer to assert additional defenses as they may become known during discovery,
19 TMD asserts the following separate and additional defenses:

20 **GENERAL DEFENSES**

21 **FIRST DEFENSE**

22 The conduct alleged to provide a basis for the claims of Plaintiff did not have a direct,
23 substantial and reasonably foreseeable effect on trade or commerce with the United States. The
24 Court, therefore, lacks subject matter jurisdiction over the claims of Plaintiff. The Court also
25 lacks subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337.

26 **SECOND DEFENSE**

27 Plaintiff's claims are barred, in whole or in part, by the Foreign Trade Antitrust
28 Improvements Act, 15 U.S.C. § 6a.

1 **THIRD DEFENSE**

2 The Complaint fails to state a claim upon which relief can be granted.

3 **FOURTH DEFENSE**

4 Plaintiff's claims are barred in whole or part because the Complaint fails to plead
5 conspiracy with particularity required under applicable law.

6 **FIFTH DEFENSE**

7 Plaintiff has failed to plead fraudulent concealment with the particularity required by
8 Rule 9(b) of the Federal Rules of Civil Procedure.

9 **SIXTH DEFENSE**

10 The Complaint should be dismissed on grounds of *forum non conveniens*.

11 **SEVENTH DEFENSE**

12 Plaintiff's claims against TMD are barred to the extent that it has agreed to arbitration or
13 chosen a different forum for the resolution of its claims.

14 **EIGHTH DEFENSE**

15 Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks standing to bring
16 or maintain the claims set forth in the Complaint.

17 **NINTH DEFENSE**

18 Plaintiff's claims are barred, in whole or in part, by the doctrine of laches.

19 **TENTH DEFENSE**

20 Plaintiff's claims are barred, in whole or in part, because Plaintiff has suffered no
21 antitrust injury.

22 **ELEVENTH DEFENSE**

23 Plaintiff's claims are barred, in whole or in part, by applicable statutes of limitations,
24 including but not limited to: 15 U.S.C. § 15b and 740 Ill. Comp. Stat. 10/7, *et seq.*

25 **TWELFTH DEFENSE**

26 Plaintiff lacks standing to prosecute its state consumer protection claims, in whole or in
27 part, under, without limitation, the following statute: 740 Ill. Comp. Stat. 10/7, *et seq.*
28

1 **THIRTEENTH DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, by the doctrine of waiver.

3 **FOURTEENTH DEFENSE**

4 Plaintiff's claims are barred, in whole or in part, by the doctrine of estoppel.

5 **FIFTEENTH DEFENSE**

6 Plaintiff's claims relating to purchases of LCD panels other than TFT-LCD panels,
7 including, but not limited to, thin film diode ("TFD"), color super-twist nematic ("CSTN"), film
8 super-twist nematic ("FSN") and monochrome super-twist nematic ("MSTN"), are barred by
9 applicable statutes of limitations, including but not limited to: 15 U.S.C. § 15b and 740 Ill.
10 Comp. Stat. 10/7, *et seq.* These claims are also barred by the doctrine of laches, and because the
11 allegations relating to these products fail to state a claim upon which relief can be granted.

12 **SIXTEENTH DEFENSE**

13 Plaintiff's claims are barred, in whole or in part, because Plaintiff has not been injured in
14 its business or property by reason of any act of TMD.

15 **SEVENTEENTH DEFENSE**

16 Plaintiff's claims are barred, in whole or in part, because any alleged injuries and
17 damages were not actually or proximately caused by any acts or omissions of TMD and/or were
18 caused, if at all, solely and proximately by the conduct of third parties including, without
19 limitation, the prior, intervening or superseding conduct of such third parties.

20 **EIGHTEENTH DEFENSE**

21 To the extent that any actionable conduct occurred, Plaintiff's claims against TMD are
22 barred because all such conduct would have been committed by individuals acting *ultra vires*.
23
24
25
26
27
28

1 **NINETEENTH DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, because Plaintiff has suffered no
3 damages as a result of any actions taken by TMD and/or the other Defendants.

4 **TWENTIETH DEFENSE**

5 Plaintiff's claims are barred, in whole or in part, because the alleged damages, if any, are
6 speculative and because of the impossibility of the ascertainment and allocation of such alleged
7 damages.

8 **TWENTY-FIRST DEFENSE**

9 Plaintiff is barred from recovery of any damages because of and to the extent of its
10 failure to mitigate damages.

11 **TWENTY-SECOND DEFENSE**

12 Plaintiff's claims are barred, in whole or in part, because any actions or practices of
13 TMD that are the subject of the Complaint were undertaken unilaterally for legitimate business
14 reasons and in pursuit of TMD's independent interests and those of its customers, and were not
15 the product of any contract, combination or conspiracy between TMD and any other person or
16 entity.

17 **TWENTY-THIRD DEFENSE**

18 Plaintiff's claims are barred, in whole or in part, because any acts or practices of TMD
19 that are the subject of the Complaint were adopted in furtherance of legitimate business interests
20 of TMD and of its customers and did not unreasonably restrain competition.

21 **TWENTY-FOURTH DEFENSE**

22 Plaintiff's claims are barred, in whole or in part, because any acts or practices of TMD
23 that are the subject of the Complaint were cost justified or otherwise economically justified and
24 resulted from a good-faith effort to meet competition or market conditions.

25 **TWENTY-FIFTH DEFENSE**

26 Plaintiff's claims are barred, in whole or in part, as premised upon privileged conduct or
27 actions by TMD.

1 **TWENTY-SIXTH DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, because the alleged conduct complained
3 of was caused by, due to, based upon, or in response to directives, laws, regulations, policies
4 and/or acts of governments, governmental agencies and entities and/or regulatory agencies, and
5 as such is non-actionable or privileged.

6 **TWENTY-SEVENTH DEFENSE**

7 Plaintiff's claims are barred, in whole or in part, to the extent they seek improper
8 multiple damage awards, and damage awards duplicative of those sought in other actions, in
9 violation of the Due Process guarantees of the Fifth and Fourteenth Amendments of the United
10 States Constitution.

11 **TWENTY-EIGHTH DEFENSE**

12 Plaintiff's claims are barred, in whole or in part, by the equitable doctrine of unclean
13 hands.

14 **TWENTY-NINTH DEFENSE**

15 Plaintiff's claims are barred, in whole or in part, by the doctrine of accord and
16 satisfaction.

17 **THIRTIETH DEFENSE**

18 Plaintiff's claims for injunctive relief should be dismissed because Plaintiff has available
19 an adequate remedy at law.

20 **THIRTY-FIRST DEFENSE**

21 Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in
22 part, for failure to join indispensable parties.

23 **THIRTY-SECOND DEFENSE**

24 Without admitting the existence of any contract, combination or conspiracy in restraint
25 of trade, TMD contends that it is entitled to set off any amounts paid to Plaintiff by any
26 Defendants other than TMD who have settled, or do settle, Plaintiff's claims against them in this
27 action.

1 **THIRTY-THIRD DEFENSE**

2 Plaintiff's claims for injunctive relief are barred, in whole or in part, insofar as Plaintiff
3 seeks to enjoin alleged events that have already transpired without the requisite showing of
4 threatened future harm or continuing harm.

5 **THIRTY-FOURTH DEFENSE**

6 TMD adopts by reference any applicable defense pleaded by any other Defendant not
7 otherwise expressly set forth herein.

8 **THIRTY-FIFTH DEFENSE**

9 TMD reserves the right to assert other defenses as this action proceeds up to and
10 including the time of trial.

11 **DEFENSES TO SECOND CLAIM FOR RELIEF**
12 **(Claims Based on State Antitrust Law)**

13 **THIRTY-SIXTH DEFENSE**

14 Plaintiff lacks standing to prosecute its state antitrust claims, in whole or in part, under,
15 the Illinois Antitrust Act, 740 Ill. Comp. Stat. 10/1, *et seq.*

16 **THIRTY-SEVENTH DEFENSE**

17 Plaintiff's claims are barred, in whole or in part, to the extent that the claims are based on
18 Illinois law and any of the alleged events took place outside the state of Illinois without impact
19 on Illinois residents.

20 **THIRTY-EIGHTH DEFENSE**

21 Plaintiff's claims under the Illinois Antitrust Act, 740 Illinois Comp. Stat. 10/1, *et seq.*,
22 are barred, in whole or in part, because pursuant to 740 Illinois Comp. Stat. 10/11, the Illinois
23 Antitrust Act must be construed in a manner consistent with federal antitrust laws. Because
24 Plaintiff's injuries are too speculative, derivative, indirect, and remote to confer standing under
25 Federal antitrust law, they also do not confer standing under the Illinois Antitrust Act.

DEFENSES TO SEVENTH AND EIGHTH CLAIMS FOR RELIEF
(Claims Based on Breach of Contract and Unjust Enrichment)

THIRTY-NINTH DEFENSE

Plaintiff's claims are barred, in whole or in part, as a result of a failure of consideration.

FORTIETH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrine of illegality of contract.

FORTY-FIRST DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable Statute of Frauds.

FORTY-SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent that privity of contract is required to establish their claims.

FORTY-THIRD DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent that Plaintiff has outstanding obligations to TMD.

FORTY-FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because of Plaintiff's bad faith.

FORTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrine of accord and satisfaction.

FORTY-SIXTH DEFENSE

Plaintiff's claims are barred, in whole in part, to the extent that it is established that Motorola itself breached or acted with a lack of good faith as to the contracts upon which it claims.

1 **TMD'S PRAYER FOR RELIEF**

2 WHEREFORE, TMD prays for judgment as follows:

3 1. That Plaintiff take nothing by reason of the Complaint, and that the action be
4 dismissed with prejudice;

5 2. That the Court enter judgment in favor of TMD and against Plaintiff with respect to
6 all causes of action in the Complaint;

7 3. That the Court award TMD its attorneys' fees and other costs reasonably incurred in
8 the defense of this action; and

9 4. That the Court order such other further relief for TMD as the Court may deem just
10 and proper.

11
12 Respectfully submitted,

13
14 Dated: April 18, 2011

WHITE & CASE LLP

15
16 By: /s/ John H. Chung

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